

MARGARET A. MCLEATCHIE, Nevada Bar No. 10931
ALINA M. SHELL, Nevada Bar No. 11711
MCLEATCHIE LAW
701 East Bridger Ave., Suite 520
Las Vegas, Nevada 89101
Telephone: (702) 728-5300; Fax: (702) 425-8220
Email: maggie@nvlitigation.com
Attorneys for Plaintiff Mary Benson

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MARY BENSON, an individual,

Plaintiff,

vs.

Case. No.: 2:19-cv-01949-RFB-VCF

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT, in its official capacity; and,
BRET EMPEY, in his official capacity as
Sergeant of the Las Vegas Metropolitan
Police Department;

Defendants.

**STIPULATION AND ORDER TO
EXTEND EXPERT DEADLINES
(FIRST REQUEST)**
[ECF No. 31]

Pursuant to Fed. R. Civ. P. 16(b)(4) and Local Rule 26-4, Plaintiff MARY BENSON and Defendants LAS VEGAS METROPOLITAN POLICE DEPARTMENT and BRET EMPEY (“LVMPD Defendants”), by their respective counsel, hereby submit this *Stipulation and Order to Extend Expert Deadlines (First Request)* by thirty (30) days.

I. EXPERT DEADLINES

A. The deadline for the initial disclosure of experts and expert reports shall be rescheduled from March 1, 2021 to **March 31, 2021**;

B. The deadline for the disclosure of rebuttal experts and their reports shall be rescheduled from March 31, 2021 to **April 30, 2021**;

II. REASON FOR THE REQUESTED EXTENSION

Pursuant to Local Rule 26-4, the Parties submit that good cause exists for the extension requested. This is the first request for an extension of solely the deadline for the initial disclosure of experts and expert reports in this case. The Parties acknowledge that,

1 pursuant to LR 26-4, a stipulation to extend a deadline set forth in a discovery plan must be
2 submitted to the Court no later than 21 days before the expiration of the subject deadline,
3 and that a request made within 21 days must be supported by a showing of good cause. Here,
4 the deadline for the initial disclosure of initial experts and initial expert reports is currently
5 March 1, 2021. Thus, the instant stipulation to extend the deadline for initial expert
6 disclosures is untimely.

7 However, good cause exists to consider this request to extend the deadline for initial
8 expert disclosures. Plaintiff has alleged that she has suffered economic damages as a result
9 of her constructive termination, including but not limited to lost current and future pension
10 income and benefits, lost vacation and sick time, lost current and future medical insurance
11 benefits, and lost income, for which an expert witness(es) will be necessary to assess one or
12 more of these areas. Due to the respective workloads of the Parties' counsel, coupled with
13 the restrictions put in place as a result of the COVID-19 pandemic, the Parties seek this
14 extension to allow additional time to secure initial expert witnesses and, absent this extension
15 of time for initial expert disclosures, both parties will be deprived of expert analysis of
16 Plaintiff's asserted damages.

17 Accordingly, the Parties submit that good cause exists to excuse the untimely
18 request to extend the initial expert disclosure deadline.

19 **WHEREAS**, the Parties have been diligently conducting discovery. Since January
20 2020, the Parties have propounded and responded to requests for written discovery; have
21 produced documents relating to liability issues; and have been working to coordinate
22 depositions.

23 **WHEREAS**, additional time is needed for discovery due to the current State of
24 Emergency resulting from the COVID-19 virus, including ongoing office closures and
25 limitations on travel and personal contact, the Parties have been limited in their ability to
26 conduct depositions.

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28 ///

III. CONCLUSION

WHEREFORE, the parties respectfully request that this Court extend the expert deadlines.

IT IS SO STIPULATED.

DATED this the 12th day of February, 2021. DATED this the 12th day of February, 2021.

MARQUIS AURBACH COFFING

MCLEATCHIE LAW

/s/ Nick D. Crosby

/s/ Alina M. Shell

Nick D. Crosby, NBN 8996

Margaret A. McLetchie, NBN 10931

10001 Park Run Drive

Alina M. Shell, NBN 11711

Las Vegas, NV 89145

701 East Bridger Ave., Suite 520

Email: ncrosby@maclaw.com

Las Vegas, NV 89101

Attorney for LVMPD Defendants

Email: maggie@nvlitigation.com

Attorneys for Mary Benson

ORDER

IT IS SO ORDERED.

DATED this 16th day of February, 2021.


U.S. MAGISTRATE JUDGE

Discovery Cut-Off remains 4-30-2021.

Dispositive motions must be filed and served on or before 5-31-2021.

The Joint Pre-trial Order must be filed on 6-30-2021. In the event dispositive motions are filed, the date for filing the Joint Pre-trial Order will be suspended until 30 days after the decision on the dispositive motions or further order of the Court.